IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.35979 of 2007
ASRAF ALAM
Versus

STATE OF BIHAR
- - - -

5. 16.7.2008 Perused the report submitted by the learned Presiding Officer, Fast Track Court 5, Bettiah, regarding the reasons for not concluding the trial of Trial No.44 of 2006 arising out of Narkatiaganj Rail P.S. Case No. 39 of 2006. The learned Judge has indicated that there is complete non-co-operation from the Special Public Prosecutor(N.D.P.S.) of Bettiah Judgeship as also from the Superintendent of Police, Bettiah.

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I would like to direct the office of the Court to issue a copy of this order to the Director General of Police, Bihar, as also the Secretary, Law, Government of Bihar for information and appropriate action against the Special Public Prosecutor(N.D.P.S), Bettiah and the Superintendent of Police, Bettiah.

As regard the production of the witnesses in the court, I could refer to the decision of the Apex Court in the case of

Shailendra Kumar Vs. The State of Bihar, A.I.R. 2002 S.C. 270, by which the learned Judge is required to issue a notice to the Officer-in-charge of Narkatiaganj G.R.P.S. appending therewith the details of witnesses and calling upon him to remain physically present with the witnesses on all dates of hearing. If the Officer-in-charge of the above noted case does not obey the orders of the learned Judge, then, he could pass appropriate sentence against him as also refer the matter for contempt to this Court.

The trial could be concluded, as per the request of the learned Judge, in another period of six months from the date of receipt/production of a copy of this order.

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Kanth

( Dharnidhar Jha, J.)

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